



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,299	01/16/2001	Bahadir Erimli	F0677	1868

45114 7590 01/13/2005

HARRITY & SNYDER, LLP
11240 WAPLES MILL ROAD
SUITE 300
FAIRFAX, VA 22030

EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT PAPER NUMBER

2157

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,299

Applicant(s)

ERIMLI ET AL.

Examiner

Salad E Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-14 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15-17 is/are rejected.
- 7) ☐ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response

1. The response filed 10/30/2004 has been received and made of record.
2. Applicant's argument with respect to claims 1-6, and 15-17 are persuasive but are moot in view of new grounds of rejection.

Allowable Subject Matter

3. Claims 7-14 are allowed
4. Claims 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Aydemir et al., U.S. Patent No. 6,771, 601.

As to claim 1, Aydemir discloses a system that includes a network device (network switch 10) that controls communication of data frames between stations a method comprising:

Art Unit: 2157

- receiving a data frame on a first logic component (18a) of the network device (switch 10) (see figs 1 and 2 and col. 6, line 62 to col. 7, line 17);
- identifying receive port information associated with the data frame, the receive port information identifying a port on the first logic component on which the data frame was received (see col. 7, lines 6-12); and
- transmitting the data frame to a second logic component (10') on the network device, based on a destination address of the data frame (see col. 7, lines 6-17);
- receiving the data frame at the second logic component (10') (see col. 7, lines 6-17);
- processing the data frame to generate frame forwarding information (see col. 7, lines 6-17);
- transferring the frame forwarding information to an output buffer(18') on the second logic component (see col. 7, lines 6-17);
- detecting a condition on the second logic component (see col. 7, lines 24-30); and
- transmitting the receive port information (i.e., stream identifier which includes the source and MAC address) associated with the data frame to the first logic component, when the condition is detected (see figs. 3 and 5, col. 7, lines 40-52 and col. 8, lines 20-52).

As to claim 2, Aydemir discloses the method of claim 1, wherein the detecting a condition includes detecting a congestion condition associated with a resource involved

Art Unit: 2157

in at least one of processing and forwarding the data frame on the second logic component, the method further comprising: performing, by the first logic component, a congestion control-related operation in response to receiving the receive port information (see fig. 5 and col. 8, lines 31-52).

As to claim 3, Aydemir discloses the method of claim 2, wherein the performing a congestion control-related operation comprises: transmitting a pause frame via the port identified by the receive port information (see col. 8, lines 53-65).

As to claim 4, Aydemir discloses the method of claim 1, wherein the transmitting the data frame and the receive port information to the second logic component includes transmitting the data frame and the receive port information together in a single frame, the single frame including a field identifying the receive port information (see fig. 3 and col. 7, lines 40-52)

As to claim 5, Aydemir discloses the method of claim 1, further comprising: discarding the receive port information associated with the data frame after transferring the frame forwarding information to the output queue, when the condition is not detected (i.e., carrying normal operation when condition is not detected)(see col. 7, lines 19-24).

As per claim 15, the claims includes features discussed above with respect to claim 1, further reciting the congestion condition relating to a resource involved in at least one of

Art Unit: 2157

processing and forwarding the data frame to its destination, and transmit the data frame to the first device when the congestion condition exists (see Aydemir, fig. 5 and col. 8, lines 31-52).

As per claim 16, Aydemir discloses the system of claim 15, wherein the first device is further configured to: receive the receive port information from the second device, and perform a flow control-related operation with respect to a port identified by the receive port information (see fig. 5 and col. 8, lines 31-52).

As to claim 17, Aydemir disclose the system of claim 16, wherein when performing a flow control-related operation, the first device is configured to: generate a pause frame requesting suspension of data traffic, and transmit the pause frame via the port identified by the receive port information, without transmitting the pause frame via other ports on the first device (see col. 8, lines 53-65).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aydemir in view of Rom et al., U.S. Patent No. 6,252,849.

As to claim 6, Aydemir discloses substantial features of the claim invention as discussed above with respect to claim 1,

Aydemir is silent regarding: wherein the processing and transferring associated with a plurality of data frames are performed in a same order as which the receive port information for the respective plurality of data frames is stored by the second logic component.

Rom discloses flow control mechanism using output port buffer allocation the output buffers are FIFO buffers, wherein the processing and transferring associated with a plurality of data frames are performed in a same order as which the receive port information for the respective plurality of data frames is stored by the second logic component (see fig. 2 and col. 4, lines 7-16). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Rom such as processing and transferring associated with a plurality of data frames are performed in a same order as which the receive port information for the respective plurality of data frames is stored by the second logic component into the system of Aydemir because the inherent advantage of FIFO is that it process the oldest entry of the queue to prevent delay.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2157

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 703-308-8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Abdullahi Salad
Examiner Au 2157
1/8/2005